

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

CASE NO.: 5:15-CV-123 (TES)

v.

ONE (1) 2005 BENTLEY CONTINENTAL,
GT COUPE, VIN: SCBCR63W65C028139, and
First-Named Defendant Property,

TWO (2) ASSORTED JEWELRY, VL: \$22,700.00,
Second-Named Defendant Property;

IRA CHRISTOPHER JACKSON,
Claimant.

ORDER GRANTING MOTION TO STRIKE CLAIM OF CLAIMANT JACKSON

Upon consideration of the Plaintiff's Motion to Strike, and the record of this case, the Court finds that good cause exists to grant Plaintiff's motion.

The Court hereby makes the following findings of fact and conclusions of law:

1. This Court has jurisdiction of this matter pursuant to 28 U.S.C. §§ 1345 and 1355, and venue is proper pursuant to 28 U.S.C. § 1335(b)(1)(A) and 28 U.S.C. § 1395.

2. On April 7, 2015, the United States filed a Verified Complaint for Forfeiture of the above-captioned Defendant Property.

3. On May 12, 2015, Jackson filed a *pro se* Motion for Return of Property and Verified Claim for Property.

4. On August 7, 2015, the United States filed a Motion to Stay Proceedings, which was granted by the Court on September 23, 2015, until resolution of the pending related criminal case.

5. Attorney Melvin Raines, II. filed an Appearance of Counsel on August 17, 2015, for Claimant Jackson.

6. Upon completion of the related criminal case, the United States filed a Motion and Memorandum to Lift Stay and Request for Rules 16/26 Order. Later, on December 29, 2017, the United States filed a Motion to Withdraw its Initial Motion and Memorandum to Lift Stay and Request for Rules 16/26 Order, and Motion and Memorandum to Lift Stay and Request for Claimants to File an Answer.

7. On January 25, 2018, the Court entered an Order granting the Government's motion requesting to lift stay and directed the Claimants to file an answer or otherwise respond within twenty-one (21) days of the date of the Order. In accordance with the Order, the date to file an answer expired on February 25, 2018.

8. On March 5, 2018, after the expiration of the deadline to file an answer, Claimant Jackson, through his counsel of record, requested the United States for additional time to file an answer. The Government did not object.

9. On April 4, 2018, the Government sent a letter to Claimant Jackson, through his counsel of record, via certified mail number: 7016 0750 0000 5593 9506, at 1695 Versailles Drive, Atlanta, Georgia, 30331, requesting that an answer be filed within ten (10) days of receipt. Additionally, the Government submitted its Special Interrogatories to Claimant Jackson, pursuant to Rule G(6) of the Supplemental Rules of the Federal Rules of Civil Procedure. However, the Government's letter and discovery request were returned and received by the U.S. Attorney's Office as undelivered on May 2, 2018.

10. On May 2, 2018, the Government sent an email to Mr. Raines to obtain his current mailing address, and requested that Claimant Jackson file an answer to the civil

forfeiture action within ten (10) days. Mr. Raines responded to the email inquiry, and provided a new address for mailing the discovery, which was resent on May 3, 2018.

11. As of today's date, Claimant Jackson has not filed an answer, and the time to do so has now expired.

THEREFORE, **IT IS HEREBY FURTHER ORDERED** that the Claim [Doc. 6] of Claimant Jackson shall be stricken from this case.

SO ORDERED, this 22nd day of June, 2018.

s/Tilman E. Self, III

TILMAN E. SELF, III, Judge
UNITED STATES DISTRICT COURT

PREPARED BY:

CHARLES E. PEELER
UNITED STATES ATTORNEY

/s/ JIM CRANE
ASSISTANT UNITED STATES ATTORNEY
GEORGIA STATE BAR NO. 193275